

Message Text

UNCLASSIFIED

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ACTION PA-02

INFO OCT-01 EUR-12 ISO-00 L-03 SS-15 SP-02 H-02 INR-07

SY-05 SSO-00 INRE-00 /049 W

-----151456Z 040376 /45

O R 151410Z MAR 77

FM USMISSION USBERLIN

TO SECSTATE WASHDC IMMEDIATE 4221

INFO AMEMBASSY BONN

UNCLAS USBERLIN 0741

DEPT FOR DIRECTOR PA/FOI

E.O.11652: N/A

TAGS: OGEN PGOV WB

SUBJECT: REQUEST FOR RELEASE OF INFORMATION UNDER FREEDOM OF
INFORMATION AND PRIVACY ACT (KOBRE, SAMUEL L.)

REF: (A) USBERLIN 0703; (B) BONN 4313

1. USBER LEGAL ADVISER HAS REVIEWED FILES IN POSSESSION
OF USBER AND CONGEN ON SUBJECT PERSON. DOCUMENTS ARE
NUMEROUS AND SPAN PERIOD FROM 1947 TO PRESENT. MAJORITY
OF DOCUMENTS ARE UNCLASSIFIED AND DEAL WITH (A) CORRESP-
ONDENCE BETWEEN KOBRE AND CONGEN CONCERNING LATTER'S
DECISION NOT TO INCLUDE KOBRE ON LOCAL LAWYERS LIST;(B)
COMPLAINTS OR INQUIRIES BY KOBRE CLIENTS CONCERNING
KOBRE'S FEES AND/OR LEGAL SERVICES;(C) INQUIRIES FROM
GERMAN COURTS POST-1955 WHETHER KOBRE (AS HE HAS OFTEN
ASSERTED) REMAINS AUTHORIZED TO PRACTICE LAW IN BERLIN
AS A RESULT OF ASSOCIATION WITH US FORCES; (D) CORRESPONDENCE
FROM SUCCESSIVE USBER LEGAL ADVISERS TO GERMAN OFFICIALS
AND KOBRE REPORTING THAT SINCE 1955 KOBRE AUTHORIZATION
AND OFFICIAL STANDING WITH US FORCES TERMINATED; AND (E)
SOME INTERNAL MISSION OR CONGEN MEMORANDA CATEGORIZING
KOBRE AS AN INDIVIDUAL NOT MERITING LISTING IN LOCAL
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ATTORNEYS LIST; AND EXAMINING POSSIBILIITY OF CHARGES BEING
BROUGHT AGAINST KOBRE FOR ILLEGAL PRACTICE OF LAW. UPON
RECEIPT ADVICE FROM DEPT, MISSION INTENDS TO MAKE ALL SUCH
UNCLASSIFIED DOCUMENTS AVAILABLE TO KOBRE. THOUGH KOBRE
HAS PHRASED REQUEST AS FOI AND/OR PRIVACY REQUEST, MISSION
IS TREATING MATTER AS PRIVACY ACT REQUEST.

2. WE HAVE UNCOVERED SOME CLASSIFIED DOCUMENTS CONCERNING KOBRE. THESE ARE BEING AIR POUCHED TO DIRECTOR PA/FOI WITH MISSION RECOMMENDATIONS. ANY QUOTE OFFICIAL USE ONLY UNQUOTE OR QUOTE LIMITED OFFICIAL USE UNQUOTE DOCUMENTS ARE BEING TREATED AS UNCLASSIFIED.

3. AS REFTEL (A) REPORTS, KOBRE HAS ADDRESSED LETTERS TO CHIEF, USMISSION BERLIN. US CONSULATE GENERAL, AND US MISSION BERLIN, ATT: LEGAL ADVISER. CHIEF, USBER AND CONGEN RECEIVED VIRTUALLY IDENTICAL LETTERS CONTAINING KOBRE REQUEST TO REVIEW ANY FILES ON HIM. LETTER TO LEGAL ADVISER ALSO CONTAINED THIS REQUEST AND POSED CERTAIN QUESTIONS REPORTED REFTEL(A). MISSION PROPOSES THAT ONE LETTER FROM LEGAL ADVISER TO KOBRE SERVE AS RESPONSE TO ALL THREE. UPON RECEIPT CONCURRENCE FROM DEPT. USBER LEGAL ADVISER PROPOSES SEND KOBRE FOLLOWING RESPONSE: BEGIN TEXT. I AM RESPONDING TO YOUR LETTERS DATED 8 MARCH TO THE CHIEF, USMISSION BERLIN AND THE US CONSULATE GENERAL, AND TO YOUR LETTER DATED 7 MARCH TO THE USMISSION FOR MY ATTENTION.

IN THE LATTER YOU QUESTION THE FINDING OF MY PREDECESSOR, MR. JONATHAN GREENWALD, IN HIS LETTER DATED 26 JANUARY 1977 TO THE BERLIN SENATOR FOR JUSTICE THAT YOUR EUCOM AUTHORIZATION TO PRACTICE LAW IN GERMANY HAS BEEN INVALID SINCE 1955. YOU ALSO STATE THAT IF THIS INFORMATION IS CORRECT, YOU WERE NEVER INFORMED.

OUR RECORDS INDICATE THAT YOU WERE ADVISED BY LETTER DATED 8 JULY 1955 FROM THE BERLIN COMMAND THAT EFFECTIVE 31 JULY 1955 YOUR MEMBERSHIP IN THE ALLIED FORCES, AS PRO-UNCLASSIFIED

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VIDED IN ALLIED KOMMANDATURA LAW NO. 2 FOR THE PURPOSES OF OCCUPATION LEGISLATION, WOULD BE TERMINATED. WE HAVE BEEN ABLE TO DETERMINE THAT YOU WERE SO ADVISED AT LEAST ONCE FURTHER PRIOR TO MR. GREENWALD'S LETTER BY LETTER DATED 29 MAY 1957 FROM GROVER PENBERTHY LEGAL ADVISER USMISSION BERLIN. COPIES OF THESE LETTERS ARE ENCLOSED. IT CAN BE SEEN THAT YOU WERE ADVISED IN A TIMELY MANNER THAT SUBSEQUENT TO 31 JULY 1955 YOU NO LONGER HAD ANY OFFICIAL STATUS WITH THE ALLIED FORCES IN BERLIN.

IT WAS ENTIRELY APPROPRIATE, THEREFORE, FOR MR. GREENWALD TO ADVISE THE SENATOR FOR JUSTICE, UPON THE LATTER'S INQUIRY, THAT (A) YOU ARE A PRIVATE US CITIZEN WHO POSSESSES NO OFFICIAL STANDING WITH THE US FORCES; (B) THE EUCOM AUTHORIZATIONS TO PRACTICE LAW IN GERMANY TO WHICH YOU HAVE REFERRED HAVE BEEN INVALID SINCE 1955; AND (C) ANY QUESTIONS OF YOUR CAPACITY TO PRACTICE LAW BEFORE A GERMAN COURT OR OF THE VALIDITY OF ANY CONTRACT ENTERED INTO BY YOU IS A MATTER FOR DECISION BY

GERMAN COURTS PURSUANT TO GERMAN LAW.

YOU HAVE ALSO REQUESTED ACCESS TO THOSE FILES IN OUR POSSESSION WHICH DIRECTLY OR INDIRECTLY CONCERN OR AFFECT YOU AND THAT YOU BE PERMITTED TO MAKE COPIES AND EXTRACTS THEREFROM. PLEASE BE ADVISED THAT WE HAVE MADE A SEARCH OF OUR RECORDS AND HAVE DISCOVERED FILES WHICH CONCERN YOU AND WHICH, PURSUANT TO THE PROVISIONS OF THE PRIVACY ACT, WILL BE MADE AVAILABLE FOR YOUR EXAMINATION. COPIES OF ANY SUCH DOCUMENTS YOU WISH TO HAVE WILL BE PROVIDED TO YOU UPON PAYMENT OF A FEE OF TEN CENTS PER COPY.

KINDLY ADVISE ME BY LETTER OR TELEPHONE (819-7644) WHEN IT WOULD BE CONVENIENT FOR YOU TO EXAMINE THE FILES IN QUESTION. END TEXT.
GEORGE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DOCUMENTS, PUBLIC DISCLOSURE, INFORMATION CONTROL
Control Number: n/a
Copy: SINGLE
Sent Date: 15-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977USBERL00741
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770088-0957
Format: TEL
From: USBERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770357/aaaabxuh.tel
Line Count: 130
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: b9fc80b7-c288-dd11-92da-001cc4696bcc
Office: ACTION PA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 USBERLIN 703, 77 BONN 4313
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05-Oct-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3098867
Secure: OPEN
Status: NATIVE
Subject: REQUEST FOR RELEASE OF INFORMATION UNDER FREEDOM OF INFORMATION AND PRIVACY ACT (KOBRE, SAMUEL L.)
TAGS: OGEN, PGOV, WB, (KOBRE, SAMUEL L)
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/b9fc80b7-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
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